

1 BILL NO. S-79-05-17

2 SPECIAL ORDINANCE NO. S-

92-79

3 AN ORDINANCE approving Water Contract  
4 #7902, between the City of Fort Wayne,  
5 Indiana and Westwood Development, Inc.  
6 for installing water main system.7 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,  
8 INDIANA:9 SECTION 1. That a certain contract, dated April 30, 1979,  
10 between the City of Fort Wayne, Indiana, by and through its Mayor and the  
11 Board of Public Works and Westwood Development, Inc., for:12 installing a Water Main System in Westwood Valley,  
13 Sec. I to serve Wood Valley Drive, Bellflower Lane,  
14 Overlook Drive and Autumn Leaf Lane,15 under Board of Public Works Water Contract #7902, at a total cost of  
16 \$50,018.48, all as more particularly set forth in said contract which is  
17 on file in the Office of the Board of Public Works and is by reference  
18 incorporated herein and made a part hereof, be and the same is in all  
19 things hereby ratified, confirmed and approved.20 SECTION 2. That this Ordinance shall be effective upon passage  
21 and approval by the Mayor.22   
23 Councilman24  
25  
26  
27  
28  
29 APPROVED AS TO  
30 FORM & LEGALITY31 .....  
32 William N. Salin, City Attorney

Read the first time in full and on motion by Burns, seconded by

Stier, and duly adopted, read the second time by title and referred to the Committee on City Utilities (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: 5-22-79

Charles W. Westerman  
CITY CLERK

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage.

PASSED (~~Lost~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>2</u>	_____	_____	<u>2</u>	_____
<u>BURNS</u>	<u>X</u>	_____	_____	_____	_____
<u>HINGA</u>	<u>X</u>	_____	_____	_____	_____
<u>HUNTER</u>	<u>X</u>	_____	_____	_____	_____
<u>MOSES</u>	<u>X</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	_____	_____	_____	<u>X</u>	_____
<u>SCHMIDT, D.</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	_____	_____	_____	<u>X</u>	_____
<u>STIER</u>	<u>X</u>	_____	_____	_____	_____

TALARICO

DATE: 6-12-79

Charles W. Westerman  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE

(RESOLUTION) No. 892-79 on the 12th day of June, 1979.  
ATTEST: (SEAL)

Charles W. Westerman  
CITY CLERK

Winifred C. Moore JR  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of June, 1979, at the hour of 11:30 o'clock A. M., E.S.T.

Charles W. Westerman  
CITY CLERK

Approved and signed by me this 14th day of June, 1979 at the hour of 8:30 o'clock A. M., E.S.T.

Robert Elmschong  
MAYOR

Bill No. S-79-05-17

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance  
approving Water Contract #7902, between the City of Fort Wayne,  
Indiana and Westwood Development, Inc. for installing water  
main system

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance DO PASS.

PAUL M. BURNS - CHAIRMAN

SAMUEL J. TALARICO - VICE CHAIRMAN

VIVIAN G. SCHMIDT

DONALD J. SCHMIDT

JAMES S. STIER

6-12-79 CONCURRED IN

DATE 6-12-79 CHARLES W. WESTERMAN, CITY CLERK

# Memorandum

*Council*  
*May 22, 1979*

To Board of Public Works Date 4/2/79

From D. L. Foland, Water Engineering

Subject WESTWOOD VALLEY, SECTION I, B.O.#17-19, CONTRACT #7902

COPIES TO:

Attached please find the original of the above subject contract, which has been fully executed by representatives of Westwood Development, Inc. This contract is ready for signatures by the Mayor and Members of the Board of Public Works.

Utility participation in this contract is such that Council approval is also required. Steven A. Cadwallader, representative of the developer, requests a prior approval from the Council on this contract. Mr. Cadwallader indicated he would be available for the meeting, upon notification, and can be reached by calling 461-4592.

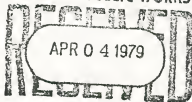
Should you have any questions, please let us know.

*S.R.*

D. L. Foland, P. E.  
Chief Water Engineer  
By/Ben Ramnarong, Engineer

DLF/BR/rcw  
Attach.

BOARD OF PUBLIC WORKS



NOTED

*HFE* H.P.W.  
*END* E.H.L.  
*MA* M.G.S.  
Date \_\_\_\_\_

67-132-17 4/30/79

CONTRACT NO. 7902

BOARD ORDER NO. 17-79

WORK ORDER NO. 63441

THIS AGREEMENT, made and entered into this 30 day of April, 1979, by and between WESTWOOD DEVELOPMENT, INC., hereinafter called CONTRIBUTOR, and the FORT WAYNE WATER UTILITY of the City of Fort Wayne, Indiana, by and through the Mayor and the BOARD OF PUBLIC WORKS of said City, hereinafter called UTILITY, WITNESSETH:

That the said Contractor and the said Utility for the considerations hereinafter named, agree as follows:

1. That the Utility and the Contributor shall proceed dependent upon procurement of materials and labor and with reference to other similar work of said parties to construct a water main system, including all necessary fittings, to serve Westwood Valley Section I, as follows:

On Wood Valley Drive from an existing 12" water main, Northward 720± LF of 12" water main to overlook drive;

On overlook drive from Bellflower Lane, Westward 1160± LF of 6" water main to its terminus;

On Autumn Leaf Lane from Overlook Drive, Eastward 740± LF of 6" water main to Bellflower Lane;

On Bellflower Lane from Autumn Leaf Lane, Northward 570± LF of 6" water main to its terminus.

Said water main system to include: 2470± LF of 6" Ductile Iron Pipe and 720± LF of 12" Ductile Iron Pipe.

2. That said water main system shall be constructed according to the standards, plans, and specifications of the Utility or approved by the Utility, and the said Utility shall furnish water thru said system, when completed, in accordance with the rules and regulations of said Utility, and the laws, ordinances and regulations applicable thereto, now in force, or that may hereafter be adopted.

It is, however, understood and agreed that the Utility will not furnish water thru any part or parts of the water main system covered hereunder unless and until the entire system shall have been tested, disinfected, and placed in service and accepted by said Utility.

3. It is understood and agreed by and between the parties of this Contract that the Contributor shall furnish all materials, contractual labor, and equipment for the construction of said water main system through John Hartman Construction Co. at a cost of forty-six thousand three hundred ninety-one dollars and forty-eight cents (\$46,391.48), and that said Utility shall supply the necessary labor for inspection, pressure-testing, disinfection, and engineering at a cost of three thousand six hundred twenty-seven dollars and no cents (\$3,627.00). Therefore, the total cost of said water main system is fifty thousand eighteen dollars and forty-eight cents (\$50,018.48).

It is further understood and agreed by and between the parties of this Contract that the said Contributor shall bear the cost of the water main on the basis of 6" water main, the cost of which is forty-three thousand nine hundred and five dollars and eighty-seven cents (\$43,905.87) and which amount is the contract price of this AGREEMENT. Therefore, it is agreed that upon completion and acceptance of said water main system by said Utility, the Utility will pay to said Contributor the difference between the cost of material, contractual labor, and equipment, as supplied by the Contractor, as referred to above and the contract price of this Agreement, said difference being two thousand four hundred eighty-five dollars and sixty-one cents (\$2,485.61).

4. The Utility may approve the extension of additional water mains from the water main(s) covered in this Contract without incurring any financial obligations to the Contributor, ~~under this Contract.~~
5. It is further understood and agreed that, upon completion of said water main system, the Contributor or his contractor shall file a COMPLETION AFFIDAVIT and a MAINTENANCE BOND with the Board of Public Works of the City. The MAINTENANCE BOND shall run for a minimum period of one (1) year from the date of the acceptance of the said system by the City and shall be in the minimum amount of eleven thousand five hundred ninety-seven dollars and eighty-seven cents (\$11,597.87). After receipt of the COMPLETION AFFIDAVIT and MAINTENANCE BOND, the Utility will make final inspection of the project. Upon finding the project to be acceptable and in full compliance with the standards and specifications of the Utility, the Board of Public Works will issue a letter of acceptance of the project to the Contributor. Upon issuance of the acceptance letter, and in accordance with the terms of that letter, the water main and fittings installed under this contract shall form and be a part of the water works system of said Utility, and all rights, title, and interest whatsoever in said water main system shall become and remain in the City of Fort Wayne, Indiana.
6. This Agreement, although executed on behalf of the Utility by the Mayor and the Board of Public Works, shall not be binding upon the Utility unless and until the same shall have been ratified and approved by Common Council. Failure to approve the same within ninety (90) days after the date hereof, then this Contract shall become null and void.

WITNESS THE HANDS AND SEALS OF SAID PARTIES the day and year are first above written.

CITY OF FORT WAYNE, INDIANA

Robert E. Armstrong  
Robert E. Armstrong, Mayor

ATTEST:

Ursula Miller  
Ursula Miller, Clerk

APPROVED AS TO FORM AND LEGALITY:

Wm. L. Buden  
Assistant City  
Clerk

Prepared by:  
D. L. Foland, P.E.  
Chief Water Engineer

BOARD OF PUBLIC WORKS

Henry H. Wehrenberg  
Henry H. Wehrenberg, Chairman

Ethel H. LaMar  
Ethel H. LaMar, Member

Max G. Scott  
Max G. Scott, Member

CONTRIBUTOR:

WESTWOOD DEVELOPMENT, INC.

BY: James L. Pallick Pres.  
James L. Pallick, Pres.

BY: Steven N. Cadwallader Secy  
Steven N. Cadwallader, Secy-Treas.

Approved by the Common Council of the City of Fort Wayne on the \_\_\_\_\_  
day of \_\_\_\_\_, 19\_\_\_\_.  
Special Ordinance No. \_\_\_\_\_.

4473

TITLE OF ORDINANCE Special Ordinance - Water Contract #7902 - Westwood Valley, Sec. I

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS

2-79-05-17

SYNOPSIS OF ORDINANCE Water Contract #7902 - for installing a Water Main System  
In Westwood Valley, Sec. I to serve Wood Valley Drive, Bellflower Lane, Overlook  
Drive & Autumn Leaf Lane. Westwood Development, Inc. is Developer for the  
project.

(Contract Attached)

EFFECT OF PASSAGE Water System to serve above-described area

EFFECT OF NON-PASSAGE

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) Developer to assume \$43,905.87 for  
construction of said water. City Utilities to pay as follows: \$2485.61 for oversizing

\$3627.00 for eng'n costs  
insp. & pressure-  
testing - disinfection

ASSIGNED TO COMMITTEE